

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

IN THE MATTER OF
THE COMPLAINT OF
ETERNITY SHIPPING, LTD. AND
EUROCARRIERS, S.A
FOR EXONERATION FROM OR
LIMITATION OF LIABILITY

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Civil Action No.: L-01-CV-0250

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**LIMITATION PLAINTIFFS' ANSWERS TO CLAIMANT TATE & LYLE NORTH
AMERICAN SUGARS INC.'S FIRST SET OF INTERROGATORIES**

Limitation Plaintiffs Eternity Shipping, Ltd. and Eurocarriers, S.A., pursuant to Federal Rule of Civil Procedure 33, hereby answer the Interrogatories served upon them by Claimant Tate & Lyle North American Sugars Inc. ("Tate & Lyle").

GENERAL OBJECTIONS

The following general objections apply to the instructions and definitions contained in Claimant's Interrogatories and to each individual Interrogatory.

A. Limitation Plaintiffs object to Claimant's Interrogatories to the extent that they seek information which is protected from discovery by the attorney-client privilege.

B. Limitation Plaintiffs object to Claimant's Interrogatories to the extent that they seek information which is protected from discovery by the attorney-work product doctrine or seek information which was prepared in anticipation of litigation or for trial.

ANSWER TO INTERROGATORY NO. 1:

Information and documents used to answer these Interrogatories have been provided by the following persons or entities:

1. U.S. Coast Guard, Activities Baltimore, 2401 Hawkins Point Road, Baltimore, Maryland 21226; (410) 576-2580 (LCDR John Nadeau, LT Rus Bowman, LTJG Lon Kishiyama, PO Roy Munsey, Mr. Gilchrest)
2. Captain Heiner Popp, Inc., 601 Baltimore Annapolis Boulevard, Severna Park, Maryland 21146; (410) 544-1422 (Captain Heiner Popp)
3. Chesapeake Engineering & Design, Inc., 911 Commerce Road, Annapolis, Maryland 21401; (410) 224-4235 (Mr. Ray Carlson, Mr. Clyde Richard, Mr. Clifford Dean)
4. Eurocarriers, S.A., Voula Center, 102-104 V. Pavlou Str. GR 16673 Voula, Greece (Captain Ioannis Patapis, Mr. Sotiris Alexopoulos)
5. Thomas Miller (Americas) Inc., 15 Exchange Place, Suite 1020, Jersey City, New Jersey 07302-3912; (201) 557-7300 (Mr. John J. Devine, Esq., Ms. Nancy L. Jennings, Esq.)
6. Master & Crew of M/V LEON I: Names and addresses as follows:
 - a. Master Ernesto E. Escatron, 350 Mabini Street, Bayawan, Negros Oriental, Philippines (home telephone 63 35 531 0128, mobile 63 920 548 5271)
 - b. Chief Officer Ramon G. Labastida, 8-3 Teachers Bliss II, Balintawak Quenzon City, Philippines (telephone 632 3643411)
 - c. Bosun Rolando S. Balita, Talaga East Mabini Batangas, Philippines
 - d. Electrician Eugeniusz Warlinski, Harkiewiczza 89, Swinoujscie Poland (telephone 48913271870)

Based on entries in the deck log book of the M/V LEON I, a Baltimore City ambulance responded to the scene at approximately 0920, and Baltimore City police arrived at approximately 1030. U.S. Coast Guardsmen attended on board at approximately 1035.

INTERROGATORY NO. 4:

State whether any photographs or videotapes were taken of the scene of the occurrence, of the persons and/or appurtenances involved. If so, state the date the photographs or videotapes were taken, the subject thereof, the name, address, occupation and employer of the person who took the photographs and/or videotapes, the name of the individual who now has custody of them, and identify the location where they are being held.

ANSWER TO INTERROGATORY NO. 4:

Captain Heiner Popp took 52 photographs on the day of the incident, 12 more photographs on August 3, 2000, and 6 more on August 4, 2000. These photographs are various views of the damaged deck crane #4, Tate & Lyle shore crane #2, areas of the cargo hold #6, and pertinent wires from deck crane #4. Both Captain Popp and Ober, Kaler, Grimes & Shriver, P.C. retain copies of these photographs, and copies have been provided to the U.S. Coast Guard, Activities Baltimore.

Mr. Ray Carlson of Chesapeake Engineering and Design, Inc. took the following photographs:

- 47 photographs of deck crane #4 and hold #6 of the M/V LEON I on August 1, 2000;
- 36 photographs of deck crane #4 on August 4, 2000;
- 47 photographs of Tate & Lyle shore crane(s) on August 9, 2000;
- 24 photographs of wires from deck crane #4 on August 10, 2000; and
- 24 photographs of wires from deck crane #4 on October 13, 2000.

Both Mr. Carlson and Ober, Kaler, Grimes & Shriver, P.C. retain copies of these photographs, and copies have been provided to the U.S. Coast Guard Activities Baltimore in compliance with

Road, Baltimore, MD 21227. Documents pertaining to this testing have been produced in response to Claimant Tate & Lyle's Request for Production of Documents. No other crew members were tested for drugs or alcohol.

INTERROGATORY NO. 13:

Identify any and all investigations that were conducted as a result of this occurrence. In this regard, state the name and address of the individual, company or government entity responsible for initiating the investigation; the name and address of the individual, company or government entity that conducted the investigation; the date the investigation was conducted; the names and address of all individuals involved in the investigation; a description of each individual's role in the investigation; the results of any investigation; and identify any reports or documentation outlining or discussing the investigation and its results.

ANSWER TO INTERROGATORY NO. 13:

Limitation Plaintiffs object to this interrogatory as unduly broad and calling for information protected by the attorney-client privilege and/or the work product doctrine. Without waiving this or any other objection, Limitation Plaintiffs are aware that U.S. Coast Guard Activities Baltimore conducted an investigation, lead by Lieutenant Commander John Nadeau, into the circumstances of the incident in the days following the incident, which lead ultimately to the writing of a "Marine Casualty Investigation Report" on April 16, 2001.

Limitation Plaintiffs retained their own marine surveyor, Captain Heiner Popp, to investigate this incident on their behalf, and Captain Popp attended on board and began his investigation within hours of the incident on the morning of July 29, 2000. At the present time, Limitation Plaintiffs assert that Captain Popp's reports are not subject to discovery due to attorney-client privilege and attorney-work product protection.

Limitation Plaintiffs have also retained the firm of Chesapeake Engineering and Design, Inc. of Annapolis, Maryland, to conduct engineering analysis of various aspects of the incident, and this work is being performed by Mr. Ray Carlson. Mr. Clyde Richard and Mr. Clifford Dean

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of May, 2004, a copy of the foregoing Answers was mailed, postage prepaid, to

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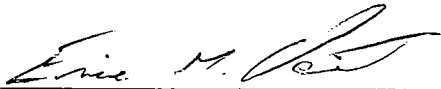
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